

ESTTA Tracking number: **ESTTA64314**

Filing date: **01/31/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91167666
Party	Defendant Valero Refining and Marketing Company Valero Refining and Marketing Company Commercial Law Dept., 5th Floor One Valero Place San Antonio, TX 782491112
Correspondence Address	Eliot G. Bowytz Valero Energy Corporation Commercial Law Dept., 5th Floor One Valero Place San Antonio, TX 78249-1112  aotrademark@fulbright.com,smeleen@fulbright.com,eolson@fulbright.com
Submission	Answer
Filer's Name	Stephen P. Meleen
Filer's e-mail	smeleen@fulbright.com, bbarber@fulbright.com, eolson@fulbright.com
Signature	/SPM/
Date	01/31/2006
Attachments	Answer.pdf ( 3 pages )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Ashland Licensing and Intellectual Property LLC	§	
	§	
Opposer,	§	
	§	
v.	§	Opposition No. 91167666
	§	
Valero Refining and Marketing Company	§	Serial No. 78401852
	§	
Applicant.	§	

**ANSWER TO NOTICE OF OPPOSITION**

Pursuant to Federal Rule of Civil Procedure 8(b) and Trademark Rule 2.106, Applicant Valero Refining and Marketing Company answers the Notice of Opposition as follows. The paragraph numbers below correspond to those in the Notice of Opposition. Applicant reserves the right to amend or supplement its Answer as appropriate.

1. Admitted.
2. Applicant admits that it filed Application Serial No. 78401852, seeking to register the mark shown in that application for the services specified. To the extent Opposer's remaining allegations in paragraph 2, including its description of Applicant's mark, may be inconsistent with these facts, Applicant denies such allegations.
3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 3, and thus denies them.
4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 4, and thus denies them.
5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 5, and thus denies them.

6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 6, and thus denies them.

7. Applicant is without knowledge or information sufficient to form a belief as to what Opposer believes, and therefore denies the allegations in paragraph 7.

8. Denied.

9. Denied.

10. Denied.

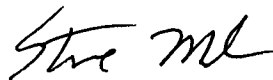
11. Denied.

12. Applicant admits that if it is granted the registration opposed in this proceeding, it would thereby obtain a *prima facie* exclusive right to the use of its mark in commerce on or in connection with the services specified in the application. Applicant denies the remaining allegations in paragraph 12.

Wherefore, Applicant requests that the Notice of Opposition be rejected, and judgment be entered in favor of Applicant.

Dated: January 31, 2006

Respectfully submitted,



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ATTORNEYS FOR APPLICANT

### **CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing ANSWER TO NOTICE OF OPPOSITION was served by first class mail on January 31, 2006 upon Opposer's attorney:

J. Michael Peffer  
Ashland Inc.  
3499 Blazer Parkway  
Lexington, KY 40509



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Stephen P. Meleen